

Application No.: 10/069,146

Docket No.: 22078-00001

REMARKS

Claims 15-20 are pending in the application. Claims 1-14 have been canceled and claims 15-20 have been added by way of the present amendment.

In the August 22, 2003 Office Action, the numbering of the claims was objected to as not being in accordance with 37 C.F.R. §1.126; claims 4 and 6 were rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite; claims 4, 6 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Bisbing et al (U.S. Patent No. 4,258,596); claims 7 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Faroni (U.S. Patent No. 3,924,507); claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by Goldhaber (U.S. Patent No. 4,018,111); and claims 1-3, 5, 6, 10, 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchler (U.S. Patent No. 5,401,113) and Faroni.

Claims 1-14 have been canceled without prejudice. Therefore, the objection to the numbering of the claims as not being in accordance with 37 C.F.R. §1.126 is moot.

Claims 4 and 6 have been canceled. Therefore, the rejection of claims 4 and 6 under 35 U.S.C. §112, 2nd paragraph, as being indefinite is moot.

Claims 4, 6 and 14 have been canceled. Therefore, the rejection of claims 4, 6 and 14 under 35 U.S.C. §102(b) as being anticipated by Bisbing et al is moot.

Claims 7-8 have been canceled. Therefore, the rejection of claims 7 and 8 under 35 U.S.C. §102(b) as being anticipated by Faroni et al is moot.

Claim 11 has been canceled. Therefore, the rejection of claim 11 under 35 U.S.C. §102(b) as being anticipated by Goldhaber is moot.

Claims 1-3, 5, 6, 10, 12 and 13 have been canceled. Therefore, the rejection of claims 1-3, 5, 6, 10, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Kuchler and Faroni is moot.

New claims 15-20 have been added by way of the present amendment. Support for new claims 15-20 can be found at least in original claim 10 at page 12, lines 15-28; at page 2, line 1 to page 3, line 1; page 8, lines 12-20 of the specification; and is shown at least in Fig. 4 and Fig. 5 of the specification. Therefore, the new claims raise no questions of new matter.

Claims 15-20 have been added to clarify the invention. In particular, independent claim 15 recites:

a head engaging portion incorporating a friction drive surface that is *symmetrically disposed about the longitudinal axis of the shank portion,*

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wherein the friction drive surface is configured to fit against the smooth exposed surface of the security screw so as to provide a friction drive between the head engaging portion and the predetermined security screw when the driving tool is rotated by the suitable implement (emphasis added).

That is, "a friction drive surface" is "symmetrically disposed about the longitudinal axis of the shank portion" of the drive tool and provides the "friction drive" that is used to tighten/loosen the predetermined security screw by rotating the predetermined security screw.

Bisbing et al discloses a tamper-resistant fastener having a head which tends to prevent the removal of the fastener by conventional tools.¹ In particular, Bisbing et al discloses a driving tool 10 and a shank portion 12 with protrusions 13, 14. Protrusions 13, 14, together with shank portion 12 are adapted for *latable engagement* with tamper resistant stepped sockets 64-66. The sockets 64-66 are eccentrically disposed. These eccentrically disposed sockets act in a similar manner to engagement slots (i.e. mechanical engagement) of conventional screws.

However, in contrast to Bisbing et al, the claimed invention relies on "friction drive" provided between "the head engaging portion incorporating a friction drive surface" and "the smooth exposed surface of the security screw," as recited in claim 15.

Furthermore, the eccentric sockets 64, 65 and protrusions 13, 14 disclosed by Bisbing et al are *not* "symmetrically disposed about a longitudinal axis of the shank portion" of the driving tool, as recited in claim 15.

Therefore, it is respectfully submitted that Bisbing et al does not disclose, anticipate or inherently suggest the claimed invention and that claim 15, and claims dependent thereon, patentably distinguish thereover.

Faroni discloses a theft-resistant fastener apparatus for attaching an object to a platform.² In particular, Faroni discloses a driving (or installation) tool 15 that is a modified pair of pliers.³ In order to install a shoulder bolt 20, "the jaw 17 of the tool 15 is positioned in bearing contact with the cup washer surfaces 26 as shown in Fig. 1 and the pliers are closed so that jaw 16 is brought to bear against the head 21 of the shoulder bolt 20."⁴ In this way, the shoulder bolt 21 and cup washer 25 are held together.

¹ Bisbing et al at Abstract, lines 1-3.

² Faroni at Abstract, lines 1-2.

³ *Id.* at column 3, lines 43-51.

⁴ *Id.* at column 3, lines 53-57.

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In addition, Faroni discloses that by applying "a turning motion to the handle of the installation tool 15 a corresponding torquing moment can be applied to *the* cup washer 25 and shoulder bolt 20 so that the threaded portion 23 of the bolt 20 can be threaded into the threaded aperture 11."⁵ Therefore, Faroni discloses an installation tool 15 where both the shoulder bolt 20 and cup washer 25 must be held by compressive forces to apply the torquing motion required for fastening.

However, in contrast to Faroni, the claimed invention discloses that a "friction drive" is provided between "the head engaging portion incorporating a friction drive surface" and "the smooth exposed surface of the security screw," as recited in claim 15.

Furthermore, the manner in which the "friction drive surface" and the "smooth exposed surface of the security screw" are "disposed about a longitudinal axis" of their respective shank portions, as recited in claim 15, further patentably distinguishes the claimed invention over Faroni.

Therefore, it is respectfully submitted that Faroni does not disclose, anticipate or inherently teach the claimed invention and that claim 15, and claims dependent thereon, patentably distinguish therover.

Kuchler discloses a security fastening assemblies consisting of a security fastener and a security washer.⁶ In particular, Kuchler discloses the head 46 of each security fastener 20 has a special shape which is "drivingly engageable" for installation and removal only with a special driving tool 60.⁷ In addition, Kuchler discloses the special shape of the security fastener 46 as "oblong" and that the driving tool 60 includes a driver head 66 with a cavity 72 having an internal shape corresponding to the special shape the fastener 46.

Moreover, Kuchler discloses that when the security fastener 46 is fully exposed, the peripheral edge portion 64 is vulnerable to being gripped by pliers and similar tools.⁸ That is, since the fastener 46 is "vulnerable" to being gripped by pliers and similar tools because of the oblong shape of the cavity of the driving tool 60 and the peripheral edge portion 64 of the fastener, there is a limit to the tamper-resistance of the invention disclosed by Kuchler.

In contrast to Kuchler, the claimed invention provides a symmetrical cavity in the driving tool and a friction drive. That is, as recited in claim 15:

⁵ *Id.* at column 3, lines 61-65.

⁶ Kuchler at Abstract, lines 2-4.

⁷ *Id.* at FIGS. 5-7, column 4, lines 40-43.

⁸ *Id.* at FIGS. 5-7, column 4, lines 61-63.

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a head engaging portion incorporating a friction drive
surface that is *symmetrically disposed about the longitudinal axis*
of the shank portion (emphasis added).

In particular, the driving tool of the claimed invention uses a “head engaging portion” that is “symmetrically disposed about the longitudinal axis of the shank portion” and *not* an “oblong” or other non-symmetrically shaped cavity, as in Kuchler.

Moreover, the non-symmetrical shape of the cavity of the driving tool disclosed by Kuchler provides the ability to “drivingly engage” the fastener 46 in a way similar to the operation of a conventional hexagonal wrench and hexagonal nut. That is, similar to the matching shapes of the hexagonal wrench and the hexagonal nut, the oblong cavity 72 of the driving tool 60 matches the oblong peripheral edge portion 64 of the fastener 46 and enables the rotation of the fastener 46.

In contrast to the invention of Kuchler, the “friction drive” provided by the “head engaging portion,” as recited in the claimed invention, does *not* depend on the non-symmetrical shape of the driving tool cavity and the fastener. Instead the “friction drive” uses the symmetry of the head engaging portion of the driving tool and the predetermined security screw along the “longitudinal axis,” as recited in claim 15, and the property that the driving tool and security screw are made of the “same material,” as recited in claim 16.⁹

In addition, the above-discussed symmetry and friction drive approaches of the claimed invention teaches away from the non-symmetrical cavity 72 and peripheral edge portion 64 that makes the invention of Kuchler vulnerable to being gripped by pliers and conventional tools.¹⁰

Moreover, neither Bisbing et al nor Faroni can make up for the deficiencies in Kuchler. Along with the previously discussed deficiencies of Bisbing et al and Faroni, neither Bisbing et al nor Faroni disclose a driving tool that exclusively uses “friction drive” to rotate a security screw.

Therefore, it is respectfully submitted that neither Kuchler, Faroni, nor Bisbing et al, taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claim 15, and claims dependent thereon, patentably distinguish therover.

⁹ Specification at page 7, lines 12-25.

¹⁰ *Id.*

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Conclusions

In view of the above, reconsideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

Applicant believes no fees are due with this request. However, the Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to Deposit Account No. 22-0185.

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Respectfully submitted,

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